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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/541,632

04/17/2006

Jean-Luc Dabi

GER-0711

3478

23413 7590 03/17/2008  
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EXAMINER

OLSON, LARS A

ART UNIT

PAPER NUMBER

3617

MAIL DATE

DELIVERY MODE

03/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/541,632	<b>Applicant(s)</b> DABI, JEAN-LUC	
	<b>Examiner</b> Lars A. Olson	<b>Art Unit</b> 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 9 is/are rejected.
- 7) ☒ Claim(s) 3-8 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. A response was received from the applicant on December 20, 2007.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaerlan (US 5,795,103) in view of Cessou (US 4,195,653).

Gaerlan discloses an installation for the retrieval of a pollutant fluid from a tank within a sunken ship, as shown in Figures 1-5, that is comprised of a means for introducing pressurized water, defined as Part #75, into a tank of a sunken ship, as shown in Figures 4 and 5, a means for delivering a pollutant fluid to an outside of said tank, defined as Part #34, a connecting pipe, defined as Part #24, from a surface ship, defined as Part #70, that connects with a means for delivering water into said tank, as shown in Figure 4, and a plurality of fixed pipes, defined as Parts #22 and 32, that are positioned within said tank, as shown in Figure 5, where first ends of said fixed pipes are located at a level of corners of said tank, as shown in Figure 4, and second ends of said fixed pipes are attached to couplings, defined as Parts #28 and 38, that are housed within compartments, defined as Parts #26 and 46.

Gaerlan, as set forth above, discloses all of the features claimed except for the use of pipe valves in combination with fixed pipes and connecting pipes.

Cessou discloses an installation for the retrieval of a pollutant fluid from a tank within a sunken ship, as shown in Figures 1-5, that includes pipe valves, defined as Parts #42a-b in Figure 3, that are each attached to a fixed pipe that extends into a section of a sunken ship and a connecting pipe that functions as a means for delivery of pressurized water, where said valves can be remotely controlled from a water surface location, as described in lines 1-6 of column 5.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a pipe valve to connect a pair of pipes, as taught by Cessou, in place of the couplings of the installation as disclosed by Gaerlan for the purpose of providing an installation for the retrieval of a pollutant fluid from a tank within a sunken ship with safety shut-off valves to prevent against pollution discharge in the event of uncoupled pipe connections.

***Allowable Subject Matter***

4. Claims 3-8 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments filed on December 20, 2007 regarding claims 1, 2 and 9 have been fully considered but they are not persuasive.

6. The applicant argues that there is no motivation to combine the installation as disclosed by Gaerlan (US 5,795,103) with the pipe valves as disclosed by Cessou (US 4,195,653) in order to provide the installation as claimed by the applicant.

7. In response to the applicant's argument, Gaerlan discloses an installation for retrieving pollutant fluid from a tank of a sunken ship by introducing pressurized water into said tank through a pipe, and delivering said pollutant fluid to an outside of said tank by means of pipes. However, Gaerlan does not disclose the use of pipe valves for remotely controlling the flow of fluids through the pipes of said installation. The examiner has relied upon the teachings of Cessou to demonstrate that the use of pipe valves in an installation for the retrieval of a pollutant fluid from a tank of a sunken ship is known in the art for the purpose of providing safety shut-off valves to prevent against pollution discharge in the event that pipe sections of said installation become uncoupled during operation. Thus, there is sufficient reason to utilize the pipe valves as disclosed by Cessou with the installation as disclosed by Gaerlan in order to provide said installation with safety shut-off valves that facilitate the remote control of said installation during operation. Therefore, the rejection of claims 1, 2 and 9 is deemed proper and is not withdrawn.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (571) 272-6685.

lo

March 7, 2008

/Lars A Olson/

Primary Examiner, Art Unit 3617